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REPORT

OF THE COMMITTEE ON THE JUDICIARY,

TO WHOM WAS REFERRED THE MEMORIAL OF THOMAS REYNOLDS, RELATIVE TO

INDEBTEDNESS OF THE FOX AND WISCONSIN RIVERS IMPROVEMENT FUND.

MARCH 28, 1854.

REPORT.

The Committee on the Judiciary, to whom was referred the Memorial of Thomas Reynolds, relative to indebtedness against the Fox and Wisconsin Rivers Improvement Fund, have considered the same, and a majority have instructed me to report the bills herewith submitted.

They have also instructed me to report the following facts, which, upon investigation, have come to their knowledge, and are mainly set forth in the report of the Secretary of State, pages 17, 18, 19, 20. It appears by the report of the Hon. Charles D. Robinson, late Secretary of State, that the Fox and Wisconsin Rivers Improvement Company, incorporated by the legislature in the year 1853, selected land to the amount of $68,342 62.

A list of lands, selected to this amount by said company, was filed with the late Secretary of State, the effect of which was, under the act of incorporation above alluded to, to vest the title to the lands thus selected in said company. This list could not properly be filed by the secretary unless the company had complied with the terms of the law upon this particular subject matter.

This law, in a few words, appears to be, that the company were to file with the state treasurer certain public stocks, or evidences of indebtedness against the Fox and Wisconsin Rivers Improvement Fund, duly cancelled, &c., or deposit money with the treasurer, and upon so doing the company were authorized to select

lands granted by Congress to aid in the improvement of the Rivers above named, &c., to an amount equal to, and not exceeding, the amount of money deposited, or stocks, or evidences of indebtedness above mentioned, duly cancelled. The company, it appears, filed with the treasurer, papers, of which copies are herewith submitted, and upon this basis made a selection of lands at $1 25 per acre, amounting to the above sum of $68,342 62. It appears that the secretary, with those papers before him, filed the list of lands selected. This act was obviously wrong, and highly improper, for the following reasons, if no others could be assigned. 1st. The amount of $52,802 64 appears to be a certificate of two of the commissioners of the board of public works that this amount was due to divers persons named for work, at certain places named. Whether evidences of indebtedness had been issued to these persons does not, but should have appeared, and if so, the same should have been cancelled and filed with the treasurer, or those persons should have cancelled the sums due them respectively on this certificate, none of which appears to have been done. The copy of this certificate is marked "Exhibit B.," and hereto appended "Exhibit C.," is a certificate of the same commissioners that Morgan L. Martin was entitled to receive from the Fox and Wisconsin Improvement Company the sum of $16,545 45, on account of the sums therein specified. This contains a cancellation over the signature of Mr. Martin. But for aught appearing, evidences of indebtedness may have been issued to Mr. Martin, and by him transferred for value. But again, it is difficult to understand how these items were indebtedness that might be cancelled under the act of incorporation. "Exhibit B," bears date July 28, 1853, and "Exhibit C," July 26, 1853.

Of the whole amount herein first named, it appears that $46,282 80 was due to Mr. Martin, all of which undoubtedly accrued to him under his contract made some two or more years ago. Under this contract, Mr. Martin was not to be paid anything until all preceding contractors were fully paid, which has never been done; or if so, the evidence of the fact is not apparent—in truth, it has not been done to this time. Upon the whole it appears, that

of the whole matter of supposed cancelled indebtedness, only $300 56 was properly allowable for the purposes of acquiring title to land under the act incorporating said company, and other laws applicable thereto; so that it appears that lands to the amount of $680,042 06 have been taken, or attempted to be taken, without "value received." The copies show that the sum of $69,648 65 was claimed to indebtedness cancelled. These copies were procured by the committee from His Excellency the Governor, the original not being found in the office of the treasurer or secretary of state—none of the officers or clerks having seen (to their recollection) the originals since they were passed over to the late secretary.

There seems to be something about the foregoing matters so difficult of comprehension as to be inscrutable to common judgment. The committee have therefore thought proper to present this skeleton of the subject for the purpose of eliciting attention, to the end that such action may be taken as public interest demands.

All which is respectfully submitted,

JAMES H. KNOWLTON, Ch'n.

(*Copy.*)

$69,648 63

Received, State Treasurer's Office, Madison, Wis., August 1st, 1853, of the Treasurer of the Fox and Wisconsin Improvement Company, the following evidences of indebtedness said Company have assumed, and paid, and placed on file in this office, to wit:

Am't due to	M. L. Martin for interest paid on scrip,	$16,545 45
"	Wm. McNaughton & Co., on contract,	14,399 47
"	White, Resley & Arndt, "	8,665 80
"	M. L. Martin,	7,772 79
"	Do.	21,964 56
"	Mary E. Morgan	25 00
"	White, Resley & Arndt,	275 00
		$69,648 63

E. H. JANSSEN, State Treas'r.

By D. M. SEAVER, Dept.

EXHIBIT C.

(*Copy.*)

OSHKOSH, July 26th, 1853.

No. 1½.

This is to certify that Morgan L. Martin is entitled to receive from the Fox and Wisconsin Improvement Company as follows, to wit:

For interest paid by him on Improvement Scrip to Simeon Draper, numbered from 1 to 133, both included, for $500, each issued to M. L. Martin		$6,091 99
Estimate for repairs at Rapid de Croche,	July 21, 1853,	1,000 60
Work at Rapid de Croche,	„ 19, 1853,	1,700 00
Dam timber at Little Chute,	„ 20, 1853,	777 30
Work at Kaukana,	„ 19, 1853,	4,721 34
Dam timber, „	„ 19, 1853,	696 80
Work at Kaukana,	May 3, 1853,	1,559 42
		$16,547 33
Interest on $1,559 42 from May 3d to July 20th, 1853,		38 98
		$16,586 31
Less amount overpaid March 16th, 1853		40 86
Amount due M. L. Martin, July 20th, 1853		$16,545 45

ANDREW PROUDFIT, } Commissioners
L. M. MILLER, } Board Pub. Works.

I hereby acknowledge to have received, from the Fox and Wisconsin Improvement Company, full payments of the sums of money mentioned in this certificate.

M. L. MARTIN.

EXHIBIT B.

(*Copy.*)

OFFICE OF THE BOARD OF PUBLIC WORKS,
OSHKOSH, July 28th, 1853.

This is to certify that there is due to the several Contractors at Grand Chute, Cedar Rapids, Little Chute, and Kaukana, for work done upon their contracts up to July 20th, 1853, which has not been paid, as follows, viz.:

William M'Naughton & Co., .	at Grand Chute, .	$14,399 49
White, Resley & Arndt, . .	„ Cedar Rapids, .	8,665 80
Morgan L. Martin, ...	„ Little Chute, . .	7,772 79
„ „	„ Kaukana, . . .	21,964 56
		$52,802 64

ANDREW PROUDFIT, } Commissioners
L. M. MILLER, } Board Pub. Works.

Attested,
R. P. EIGHME,
Secretary.

(*Copy.*)

N ·o726.

OFFICE OF THE BOARD OF PUBLIC WORKS,
OSHKOSH, July 19th, 1852.

The Treasurer of the Board of Public Works,

Pay to White, Resley & Arndt, the sum of two hundred and seventy five dollars and fifty six cents, on account of interest fund.

PETER H. PRAME, } Board of
ANDREW PROUDFIT, } Public Works.

Attested,
BENJ. S. HENNING.

$275 56.

Received full payment of this Warrant, from the Fox and Wisconsin Improvement Company.

M. L. MARTIN.

(*Copy.*)

No. 718.

OFFICE OF THE BOARD OF PUBLIC WORKS,
OSHKOSH, July 19, 1852.

The Treasurer of the Board of Public Works,

Pay to Mary E. Greyner, the sum of twenty five dollars and —— cents, on account of Kaukana.

PETER H. PRAME, } Board of
ANDREW PROUDFIT, } Public Works.

Attested,
BENJ. S. HENNING.